

Rule 37. Suggestion of mootness; voluntary dismissal.

(a) Suggestion of mootness. It is the duty of each party at all times during the course of an appeal or other proceeding to inform the court of any circumstances which have transpired subsequent to the filing of the appeal or other proceeding which render moot one or more of the issues raised. If a party determines that one or more, but less than all, of the issues have been rendered moot, the party shall ~~forthwith~~ promptly advise the court by filing a "suggestion of mootness" in the form of a motion under Rule 23. If ~~the~~ all parties to ~~the~~ an appeal or other proceeding agree as to the mootness of ~~an issue~~ one or more, but less than all, of the issues raised, a stipulation to that effect ~~should~~ shall be filed, and unless otherwise directed by the court, the appeal will then proceed as to ~~the remaining issues; with the suggestion of mootness. if all issues in the appeal are mooted and the parties stipulate thereto, the suggestion of mootness shall be presented to the court~~ If an appellant determines all issues raised in the appeal or other proceeding are moot, a motion for voluntary dismissal shall be filed pursuant to the provisions of paragraph (b) of this rule.

(b) Voluntary dismissal. ~~If the parties to an appeal or other proceeding sign and file with the clerk an agreement that the proceeding be dismissed, specifying the terms as to payment of costs and pay whatever fees are due, the clerk shall enter an order of dismissal. Absent such agreement, an appeal may be dismissed on motion of the appellant upon such terms as to payment of costs and fees as the court may order.~~ At any time prior to the issuance of a decision an appellant may move to voluntarily dismiss an appeal or other proceeding. If all parties to an appeal or other proceeding agree that dismissal is appropriate, a stipulation to that effect shall be filed with the motion for voluntary dismissal. Any such stipulation shall specify the terms as to payment of costs, if applicable, and provide for payment of whatever fees are due. If appellant has the right to effective assistance of counsel, ~~the appeal may be dismissed only if appellant's motion is~~ a motion to dismiss shall be accompanied by appellant's personal affidavit demonstrating that appellant's decision to dismiss the appeal is voluntary and made with knowledge of the right to an appeal and an understanding of the consequences of voluntary dismissal.

(c) A suggestion of mootness or motion for voluntary dismissal shall be subject to the appellate court's approval.